

ORDINANCE NO. 99-18

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 17, ARTICLE V OF THE PALM BEACH COUNTY CODE; PROVIDING FOR THE REQUIREMENT OF A WORK IDENTIFICATION CARD FOR PERFORMERS IN ADULT ENTERTAINMENT ESTABLISHMENTS; PROVIDING FOR DEFINITIONS OF EMPLOYEE, FEATURED PERFORMER, PERFORMER, PUBLIC SAFETY DEPARTMENT, AND WORK IDENTIFICATION CARD; PROVIDING FOR APPLICATION AND ISSUANCE OF A WORK IDENTIFICATION CARD; PROVIDING FOR RETENTION OF THE WORK IDENTIFICATION CARD; PROVIDING FOR APPEAL; PROHIBITING TRANSFER AND ALTERATION OF THE WORK IDENTIFICATION CARD; PROVIDING FOR REQUIREMENT OF MANAGERS, OWNERS, AND OPERATORS TO VERIFY WORK IDENTIFICATION CARDS; PROVIDING FOR VIOLATIONS SUBJECT TO CRIMINAL PROSECUTION; PROVIDING FOR VIOLATIONS SUBJECT TO CIVIL PROSECUTION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR PENALTY; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, adopted Ordinance No. 88-31, as amended by Ordinance No. 89-8, the Palm Beach County Adult Entertainment Ordinance, in response to numerous concerns expressed by residents of Palm Beach County; and

WHEREAS, the Palm Beach County Adult Entertainment Ordinance, as amended, has been codified in Chapter 17, Article V, of the Palm Beach County Code, hereafter referred to as the "Adult Entertainment Code"; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, desires to exercise its police powers to protect the health, safety, and welfare of the citizens of Palm Beach County by requiring performers in adult entertainment establishments, as defined in the Adult Entertainment Code, to obtain work identification cards; and

WHEREAS, the requirement of work identification cards for performers in adult entertainment establishments is a legitimate and reasonable means to ensure that minors are not performing in adult entertainment establishments; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, hereby exercises its authority to adopt this Ordinance pursuant to Chapter 125, Florida Statutes, thereby amending Chapter 17, Article V of the Palm Beach Code.

1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
2 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

3
4 **Section 1.** Section 17-147(18) of the Adult Entertainment Code is hereby
5 amended to read:

6 (18) Employee: Any person who works in an adult entertainment establishment,
7 irrespective of whether the person is paid a salary or wage by the owner or manager of the
8 premises. "" Employee shall also include any person who pays any form of consideration
9 to an owner or manager of an adult entertainment establishment for the privilege to work
10 within said establishment. An employee does not include a person on the premises of an
11 adult entertainment establishment for the purpose of repair or maintenance of the premises
12 or equipment on the premises, or for the delivery of goods to the premises.

13 **Section 2.** Section 17-147 of the Adult Entertainment Code is hereby amended
14 by adding the following definitions:

15 A. Featured Performer: A person who does not perform at an adult
16 entertainment establishment on a routine or regular basis and who is advertised as a
17 "guest", "featured", or other such performer.

18 B. Performer: An employee, agent, or independent contractor of an adult
19 entertainment establishment who exposes his or her specified anatomical areas within said
20 establishment.

21 C. Public Safety Department: The Palm Beach County Public Safety
22 Department.

23 D. Work Identification Card: An identification card issued by the Public Safety
24 Department to a performer in an adult entertainment establishment.

25 **Section 3.** Section 17-152(a) of the Adult Entertainment Code is hereby amended
26 to read:

27 (a) *Authorized.* An aggrieved person has the right to immediately appeal denial
28 of a work identification card, denial of a license application, or revocation or suspension
29 of a license to the Circuit Court of the Fifteenth Judicial Circuit of the State of Florida. An
30 appeal to the Circuit Court must be filed within thirty (30) days of the mailing of the written

1 notice of denial, revocation or suspension by the Public Safety Department or the
2 Occupational Licensing Department.

3 (b) *Notice.* Any notice required under this Code shall be accomplished by
4 sending a written notification by certified mail, returned receipt requested, to the mailing
5 address set forth on the application for the work identification card or the application for the
6 license, whichever is applicable. This mailing address shall be considered the correct
7 mailing address unless the occupational licensing department of the County Tax Collector's
8 Office or the Public Safety Department has been otherwise notified of a new address in
9 writing by certified mail return receipt requested, by the licensee or person requesting the
10 work identification card . The licensee or person requesting the work identification card
11 shall have the burden of proving that the Occupational Licensing Department or the Public
12 Safety Department received the new address.

13 **Section 4.** Section 17-153 of the Palm Beach County Code is hereby amended
14 by adding the following:

15 **WORK IDENTIFICATION CARD**

16 A. *Work identification card required.* Any person desiring to perform in an adult
17 entertainment establishment must obtain a work identification card from the Public Safety
18 Department, and no person shall act as a performer, as defined in this Code, in an adult
19 entertainment establishment without having previously obtained said work identification
20 card. A featured performer, as defined hereinabove, is exempt from the provisions of this
21 Section.

22 B. *Penalty.* Any performer, as defined in this Code, who violates this section
23 shall be guilty of a misdemeanor of the second degree.

24 C. *Application for work identification card.* An application for a work
25 identification card shall be obtained from and submitted to the Public Safety Department.
26 The applicant shall provide information as requested by the public Safety Department to
27 enable said Department to grant or deny the issuance of the work identification card. An
28 application for a work identification card shall be fully completed according to the
29 instructions on the application form, which shall require the following information:

30 (1) The applicant's name and any other names (including "stage" names)

1 or aliases used by the applicant;

2 (2) The applicant's date of birth;

3 (3) The applicant's height and weight;

4 (4) A photograph of the applicant, taken by the Public Safety Department
5 to be affixed to the work identification card;

6 (5) The applicant's present residence address and telephone number;

7 (6) The applicant's Social Security number; and

8 (7) Proof that the applicant is at least eighteen (18) years old by submittal
9 of two (2) of the following:

10 a. Original birth certificate;

11 b. Original passport or visa which includes date of birth;

12 c. Original driver's license;

13 d. Original Florida ID Card;

14 e. Any other original photo ID which includes the
15 applicant's social security number or date of birth.

16 D. *False Statement or False Information in Applying for a Work Identification*
17 *Card.* It shall be unlawful for any person applying for a work identification card to
18 make a false statement or otherwise provide false information which is intended to facilitate
19 the issuance of same.

20 E. *Fees.* The applicant shall submit a non-refundable fee of \$25.00 with each
21 application for a work identification card. The applicant shall submit a non-refundable fee
22 of \$5.00 for each duplicate work identification card.

23 F. *Issuance of Work Identification Card.* The Public Safety Department is
24 responsible for verifying all information contained on an application for a work identification
25 card. Upon determining that the work identification card should be issued, the Public Safety
26 Department shall immediately render a work identification card to the applicant. Said work
27 identification card shall include the applicant's name, photograph, and card number.
28 Should the Public Safety Department determine that the proof submitted with the
29 application for the work identification card as required hereinabove is not satisfactory, the
30 Public Safety Department shall deny issuance of said work identification card and shall

1 provide written notification to the applicant stating the reason(s) for any such denial.

2 G. *Retention of Work Identification Card.* All persons required pursuant to this
3 Code to obtain a work identification card shall keep same on their person or with their
4 personal belongings at all times while performing at an adult entertainment establishment.
5 The adult entertainment establishment shall retain a photocopy of all work identification
6 cards issued to performers performing at said establishment. Work identification cards and
7 photocopies of work identification cards shall be made available to the Public Safety
8 Department for inspection upon reasonable notice and at reasonable times.

9 H. *Appeal.* In the event that an applicant for a work identification card is
10 denied, said applicant may request emergency injunctive relief from the Circuit Court of the
11 Fifteenth Judicial Circuit of the State of Florida. Due to the overriding public interest in not
12 having minors perform in adult entertainment establishments, no provisional work
13 identification cards shall be issued by the Public Safety Department.

14 I. *Transfer of Work Identification Card Prohibited.* A work identification
15 card shall not be transferred from one person to another; however, the person to whom
16 the work identification card was issued may utilize same in any and all licensed adult
17 entertainment establishments.

18 J. *Alteration of Work Identification Card Prohibited.* It shall be unlawful for
19 any person to alter or otherwise change the contents of a work identification card without
20 the written permission of the Public Safety Department.

21 K. *Requirement of Managers, Owners, and Operators to Verify Work*
22 *Identification Cards of Performers.* No person managing, owning or operating an
23 adult entertainment establishment shall permit, employ, or otherwise allow any person to
24 perform at said establishment unless such person has a valid work identification card
25 issued in accordance herewith.

26 L. *Requirement of Managers, Owners, and Operators for Featured Performers.*
27 Persons managing, owning, or operating an adult entertainment establishment may
28 allow featured performers, as defined hereinabove, to perform in said establishment
29 without a work identification card. However, any person managing, owning or operating
30 an adult entertainment establishment shall verify that any featured performer performing

1 in said adult entertainment establishment is eighteen (18) years of age or older. Upon
2 discovery that a minor is performing as a featured performer in an adult entertainment
3 establishment, the person managing, owning or operating said adult entertainment
4 establishment shall be subject to criminal prosecution and may be prosecuted by the
5 county attorney or the state attorney and punished as provided by Section 125.69, Florida
6 Statutes (1997). Upon conviction of such violation, the prosecuting officials shall notify the
7 Occupational Licensing Department of said conviction.

8 M. *Violations Subject to Criminal Prosecution.* Any performer who violates
9 Section 4.A as set forth hereinabove, may be prosecuted by the state attorney and
10 punished as provided by Section 125.69, Florida Statutes (1997). Upon conviction of such
11 violation, the prosecuting officials shall notify the Public Safety Department and the
12 Occupational Licensing Department, if applicable of said conviction.

13 N. *Violation Subject to Civil Prosecution.* Any owner, manager or operator of
14 an adult entertainment establishment who violates the provisions of Sections 4. G and K
15 as set forth hereinabove, may be prosecuted by the county attorney or the code
16 enforcement division of the county's planing, zoning and building department as provided
17 in Palm Beach County Ordinance No. 90-45, as amended. Upon conviction of such
18 violation, the prosecuting officials shall notify the Occupational Licensing Department of
19 said conviction.

20 **Section 5. REPEAL OF LAWS IN CONFLICT**

21 All local laws and ordinances in conflict with any provision of this Ordinance are
22 hereby repealed to the extent of such conflict.

23 **Section 6. SAVINGS CLAUSE**

24 Except as otherwise herein expressly amended, all other provisions of Chapter 17,
25 Article V of the Palm Beach Code as originally enacted and amended, are specifically
26 preserved and shall remain in full force and effect.

27 **Section 7. SEVERABILITY**

28 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for
29 any reason held by the Court to be unconstitutional, inoperative or void, such holding shall
30 not affect the remainder of this Ordinance.

1 **Section 8. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

2 The provisions of this Ordinance shall become and be made a part of the Code of
3 Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may
4 be renumbered or relettered to accomplish such, and the word "ordinance" may be
5 changed to "section", "article", or other appropriate word.

6 **Section 9. EFFECTIVE DATE**

7 The provisions of this Ordinance shall become effective upon filing with the
8 Department of State. Any person performing in an adult entertainment establishment must
9 obtain a work identification card on or before September 1, 1999.

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11 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
12 Beach County, Florida, this 27 day of July, 1999.

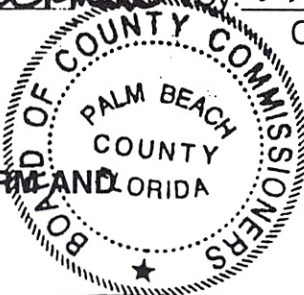
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16 **DOROTHY WILKEN, CLERK**

17 **PALM BEACH COUNTY, FLORIDA, BY ITS**
18 **BOARD OF COUNTY COMMISSIONERS**

19
20 By: Linda C. Hickman By: Maunder Ford Lee
21 Deputy Clerk Chair

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25 **APPROVED AS TO FORM AND**
26 **LEGAL SUFFICIENCY**

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28 By: Dan Sy
29 County Attorney



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35 **EFFECTIVE DATE:** Filed with the Department of State on the 5th day of August,
36 1999, at .m.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 7/27/99
DATED at West Palm Beach, FL. on 8/18/99
DOROTHY H. WILKEN, Clerk
By: Phyllis A. House D.C.